

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7472

BILL NUMBER: HB 1828

NOTE PREPARED: Jan 5, 2003

BILL AMENDED:

SUBJECT: Operating a Vehicle While Intoxicated.

FIRST AUTHOR: Rep. Bosma

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes it a Class B felony for a person to operate a motor vehicle while intoxicated and cause the death of another person.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, a person who causes the death of another when operating a motor vehicle while intoxicated commits a Class C felony. If the person has had a prior conviction within 5 years, it is a Class B felony. The bill would make the offense a Class B felony and remove the penalty for the subsequent offense. On average between FY 1997 and 2001, one person a year was committed to a Department of Correction (DOC) facility for the Class B felony and 24 people a year were committed for the Class C felony.

State expenditures would increase if offenders are incarcerated in state prisons for longer periods of time. A Class C felony is punishable by a prison term ranging between two and eight years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from 6 to 20 years. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class B felony offenders is approximately 3.7 years.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class C or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class C and Class B felonies are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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